

## REMARKS

### **Status**

This Amendment is responsive to the Office Action dated May 13, 2008, in which Claims 1-17 were rejected. Claim 6 has been canceled without prejudice; Claims 1, 5, and 13-15 have been amended. Accordingly, Claims 1-5 and 7-17 are pending in the application, and are presented for reconsideration and allowance. Claims 18-46 are withdrawn from consideration.

### **Claim Rejection - 35 USC 102**

Claims 1-17 were rejected under 35 USC 102(b) or (e) as being anticipated by US Patent No. 6,468,611 to Haskin ("Haskin"), by US Patent No. 5,377,254 to Walling ("Walling"), US Patent No. 4,902,543 to Ernst ("Ernst"), US Patent No. 5,178,278 to Oliverius ("Oliverius"), US Patent No. 5,123,535 to Patnode et al. ("Patnode"), US Patent No. 4,720,011 to Canamero ("Canamero"), US Patent No. 4,057,731 to Loseff ("Loseff"), and by US Patent No. 4,385,722 to Brewill ("Brewill").

Claim 6 has been cancelled without prejudice.

Applicant respectfully submits that the above cited references do not anticipate the present invention as defined by amended independent Claim 1.

Initially, it is noted that the Office Action does not specifically identify where the anticipatory teachings are to be found within any of the above cited references. In particular, while the Office Action states that "bags having more than one opening, such as openings at both ends, are conventional and shown by the cited references", Applicant could find no such teaching in any of the above cited references, and such a teaching was not specifically identified by the Office Action.

More particularly, Applicant submits that none of the above references teaches or suggests **a first opening through which the cassette is configured to be inserted into the receptacle, the first opening configured to be fixedly closed after insertion of the cassette into the receptacle, and a second opening configured to formed by operation of a release and through which the**

**cassette is configured to be removed from the receptacle**, as defined by amended independent Claim 1. The cited references describe inserting and removing an article via a same opening.

Furthermore, Applicant could find no teaching or suggestion of a **release comprising at least one perforation line along which the protective cover is configured to be torn to form the second opening**, as further defined by amended independent Claim 1. Although the Office Action states that “perforations or lines of weakness are indicated by the cited prior art”, the Office action does not specifically identify or point to such perforations in the cited prior, and the Applicant could find no teachings of such perforations. The most applicable reference appears to be the Canamero reference which describes a hot melt adhesive-coated tearstrip, not a perforated line.

As such, for at least these reasons, Applicant respectfully submits that the cited references do not anticipate amended independent Claim 1.

With this Amendment, Claim 14 has been amended so as to be in independent form. Applicant respectfully submits that none of the cited references teach or suggest **an overlap region which forms a non-fastenable covered opening to the receptacle, wherein the overlap region is configured be manipulated to expose and cover the opening to enable the cassette to be inserted into and removed from the receptacle via the opening**, as defined by independent Claim 14. The cited references, such as the Ernst and Loseff references, for example, teach an overlap region created by an overlapping flap, wherein the overlapping flap is formed by a front sheet being longer than a back sheet. The overlap region is not formed by **a back face having a first portion and a second portion separated by a first free edge and a second free edge, respectively, the first portion and the second portion arranged with respect to each other such that the second free edge overlaps the first free edge**, as defined by independent Claim 14.

Accordingly, Applicant respectfully submits that the cited references do not anticipate independent Claim 14.

In light of the above, Applicant respectfully requests that the rejections of independent Claims 1 and 14 under 35 USC 102(b) or (e) over the Brewill, Loseff,

Canamero, Patnode, Oliverius, Ernst, Walling, and Haskin references be withdrawn and that independent Claims 1 and 14 be allowed.

Additionally, since dependent Claims 2-5, 7-13, and 16-17 further define patentably distinct independent Claim 1, and dependent Claim 15 further defines patentably distinct independent Claim 14, Applicant respectfully requests that rejections of dependent Claims 2-5, 7-13, and 15-17 under 35 USC 102(b) or (e) be withdrawn and that dependent Claims 2-5, 7-13, and 15-17 be allowed as well.

In the event that the rejections of Claims 1-5 and 7-17 under 35 USC 102(b) or (e) are maintained, Applicant respectfully requests that subsequent Office Actions identify and point to the elements of these claims within the cited prior art with sufficient specificity to support a *prima facie* case of anticipation.

### **Claim Rejections – 35 USC 103**

Claims 1-17 were rejected under 35 USC 103(a) as obvious over Haskin, Walling, Ernst, Oliverius, Patnode, Canamero, Loseff, and Brewill.

Claim 6 has been cancelled without prejudice.

As described above, none of the cited references teach or suggest **a first opening through which the cassette is configured to be inserted into the receptacle, the first opening configured to be fixedly closed after insertion of the cassette into the receptacle, and a second opening configured to be formed by operation of a release and through which the cassette is configured to be removed from the receptacle, as defined by independent Claim 1, nor an overlap region formed by a back face having a first portion and a second portion separated by a first free edge and a second free edge, respectively, the first portion and the second portion arranged with respect to each other such that the second free edge overlaps the first free edge, the overlap region forming a non-fastenable covered opening, as defined by independent Claim 14.**

In view of the above, Applicant submits that neither independent Claim 1 nor independent Claim 14 are obvious in view of any of the cited references, either alone or in combination. Additionally, since dependent Claims 2-5, 7-13, and 16-17 further define patentably distinct independent Claim 1, and dependent Claim 15 further defines patentably distinct independent Claim 14, Applicant respectfully

submits that dependent Claims 2-5, 7-13, and 15-17 are also non-obvious in view of the cited references.

Additionally, as described by MPEP 2142, “(a) statement of a rejection that includes a large number of rejections must explain with reasonable specificity at least one rejection, otherwise the examiner procedurally fails to establish a *prima facie* case of obviousness. *Ex parte Blanc*, 13 USPQ2d 1383(.)” Furthermore, MPEP 2142 also states that “(t)o support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claim invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teaching of the references(,)” and that “when the motivation to combine the teachings of the references is not immediately apparent, it is the duty of the examiner to explain why the combination of the teachings is proper.”

Here, the Office Action provides neither at least one rejection explained with reasonable specificity, nor an explanation of why the combination of teachings is proper. As such, the Applicant respectfully submits that the Office Action fails to establish a *prima facie* case of obviousness.

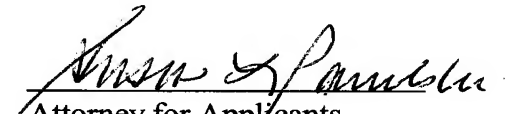
For at least the above described reasons, Applicant respectfully requests that the rejections of Claims 1-5 and 7-17 under 35 USC 103(a) as being obvious over Haskin, Walling, Ernst, Oliverius, Patnode, Canamero, Loseff, and Brewill be withdrawn and Claims 1-5 and 7-17 be allowed.

### **Summary**

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

For the reasons set forth above, it is believed that the application is in condition for allowance. Accordingly, reconsideration and favorable action are respectfully solicited.

Respectfully submitted,

  
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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Carestream Health, Inc. at 585/627-6687 or 585/627-6740.